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**OPINION OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS
No 13/2015**

of 26 October 2015

**ON THE ENTSOG DRAFT INTERCONNECTION AGREEMENT TEMPLATE
OF DEFAULT
TERMS AND CONDITIONS**

THE AGENCY OFR THE COOPERATION OF ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009, establishing an Agency for the Cooperation of Energy Regulators¹ (hereinafter referred to as the “Agency”),

HAVING REGARD to Commission Regulation (EU) No 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules (hereafter referred to as “the Interoperability Network Code”), and, in particular, Article 5 thereof,

WHEREAS:

- (1) Pursuant to Article 5(1) of the Interoperability Network Code, the European Network of Transmission System Operators for Gas (hereinafter referred to as “ENTSOG”) shall develop and publish a draft interconnection agreement template² (hereinafter referred to as “the draft Template”), covering the default terms and conditions set out in Articles 6 to 10 of the same Network Code;
- (2) Pursuant to Article 5(2) of the Interoperability Network Code, any national regulatory authority may provide an opinion on the compliance of the template with national law to the Agency by 31 August 2015 and the Agency shall provide an Opinion on the ENTSOG template by 31 October 2015, having due regard the aforementioned opinions;
- (3) On 26 June 2015, ENTSOG published on their website and submitted to the Agency, for its opinion, a draft Template covering the default terms and conditions for the interoperability and data exchange rules set out in articles 6 to 10 of the Interoperability Network Code;
- (4) The Agency has assessed the draft Template on the basis of its compliance with the default terms and conditions contained in Articles 6 to 10 of the Interconnection Network Code, having due regard of the opinions expressed by the national regulatory authorities on the compliance of the template with national law that were communicated to the Agency by 31 August 2015;

HAS ADOPTED the present Opinion on the ENTSOG draft interconnection agreement template, with the following comments and guidance:

¹ OJ L 113, 1.5.2015, p. 13–26.

² Cf. Annex I.

- (1) The Agency welcomes the submission and publication of the draft Template which is expected to facilitate the uniform application of the default rules contained in the Interoperability Network Code and make interconnection as predictable, timely, and reasonably priced as possible. The Agency further notes the contribution of national regulatory authorities in providing relevant feedback as to the compliance of the template with national law. The Agency notes that the draft Template addresses the legal requirements. Notwithstanding the above, ENTSOG is invited to consider the recommendations of the present Opinion before its publication and amend it accordingly.
- (2) The Agency observes that in principle the draft Template contains a full list of the default rules contained in Articles 6 to 10 of the Interoperability Network Code, which represent the minimum mandatory terms of interconnection agreements. Moreover, the draft Template contains specific guidance on the consistent application of those rules.
- (3) The Agency notes that the draft Template cannot be seen as a complete interconnection agreement, nor can it serve as an annex to such an agreement. Therefore, for clarity and consistency purposes, the Agency recommends that the default rules, which represent the minimum mandatory content of an interconnection agreement, are presented separately from the guidance on their application, and brought closer to the form of a standard contractual agreement, or an annex to such an agreement.
- (4) The Agency moreover recommends that the guidance to the application of the default rules of Articles 6 to 10 of the Interoperability Network Code is complemented by reference to current best practices of interconnection. To that end, the Agency suggests that the guidance to the application of the default rules is published in a separate form, along with samples of existing interconnection agreements which are identified as best practices in Member States. The Agency stresses the importance of data publication of the terms and conditions detailed in Articles 6 to 12, covered by such interconnection agreement, as required by the Interoperability Network Code, for the sake of reinforcing transparency and cooperation between adjacent transmission system operators.

Done at Ljubljana, on 26 October 2015

For the Agency:



Alberto Pototschnig
Director



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